

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, August 6, 2013**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Todd B. Morgan
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Dr. Rebecca Bridgett, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jones moved, seconded by Commissioner Morgan, to approve the minutes of July 30, 2013, as presented. Motion carried 4-0. Commission Morris abstained.

PROCLAMATION WAS PRESENTED FOR NATIONAL NIGHT OUT

COUNTY ADMINISTRATOR

1. Draft Agenda for August 20, 2013. There will be no meeting August 13, 2013.

2. Department of Land Use and Growth Management *(Phil Shire, Director)*

(Lachelle McKay, Town Administrator for Leonardtown)

Commissioner Morgan moved, seconded by Commissioner Morris, that the Board of County Commissioner sign the proposed letter advising the Commissioners of Leonardtown that St. Mary's County has no objection to placing 23511 Hollywood Road in the Commercial Office District Leonardtown zoning classification upon its annexation into the Town of Leonardtown. Motion carried 5-0.

3. St. Mary's County Public Schools (*Elaine Kramer, CFO, St. Mary's County*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the budget amendment, as approved by the Board of Education on July 10, 2013, transferring \$580,175 from completed/closed-out capital improvement projects to the County capital reserve account as identified by project PS0808 \$361,000; PS0906 \$56,000; PS0908 \$119,000; PS1101 \$18,000; PS1102 \$26,175; and to execute the Letter of Consent signifying the above action. Motion carried 5-0.

4. Alcohol Beverage Board (*Tamara Hildebrand, Administrator*)

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Highway Safety – Better Business Practices to Promote Responsible Alcohol Service grant agreement/award, Project US1485, from the Maryland Highway Safety Office on behalf of the Alcohol Beverage Board in the amount of \$4,500 for continuation of the Topsy Taxi program and the Responsible Alcohol Service Training. Motion carried 5-0.

5. Department of Emergency Services and Technology (*Bob Kelly, Director*)

(Joseph Guyther, Grant Coordinator, Mechanicsville VFD)

Commissioner Morris moved, seconded by Commissioner Jarboe, approve and authorize Commissioner President Russell to execute the Waterway Improvement Fund Application and Project Agreement from the Maryland Department of Natural Resources on behalf of the Mechanicsville Volunteer Fire Department for the acquisition of marine rescue equipment for \$5,758, whereas the Mechanicsville VFD will provide 50% matching fund requirement of \$2,879. Motion carried 5-0.

Commissioner Morris requested that Mechanicsville VFD notify the Commissioners if they do not receive the grant.

6. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Matt Reisdorph, Treatment and Prevention Coordinator*)

Commissioner Morgan moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY2014 ADAA Substance Abuse Treatment and Prevention Services Conditions of Grant Award documents for Project #'s MD1459, 1489, 1497, 1498, US1423, 1424 and 1455. Motion carried 5-0.

7. Sheriff's Office (*Corporal William Raddatz; Erin K. Shoemaker, Fiscal Manager*)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Sex Offender Compliance and Enforcement Grant Award, Project MD1424, from the Governor's Office of Crime Control and Prevention on behalf of the St. Mary's County Sheriff's Office in the amount of \$16,065 to improve the effectiveness of the Sex Offender Registry Unit and to execute the related budget amendment decreasing the project budget by \$8.00. Motion carried 5-0.

8. Department of Recreation and Parks (*Brian Loewe, Director; David Guyther, Parks Manager*)

Commissioner Jarboe moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the budget amendment to increase the Ramps and Wharves Maintenance Project (MD1409) by \$10,000 in accordance with the Waterway Improvement Fund grant award. Motion carried 5-0.

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendments to (1) close out the Derelict Boat Removal grant (PL0801) and return \$23,500 to the FIN13 account; and, (2) to close out the Carver Heights Park project (RP0904) and return \$93 to the FIN13 account as the project is now complete. Motion carried 5-0.

Commissioner Morris requested the Department of Recreation and Parks explore possible sites for county boat ramps on the Patuxent River.

9. Department of Public Works and transportation (*George Erichsen, Director*)

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the Memorandum of Agreement with the Maryland Emergency Management Agency for the Hazard Mitigation Grant to elevate the residence at 16678 Piney Point Rd, to execute the Hold Harmless Agreement with the property owner of the same address, and to execute the budget amendment establishing budget authority in a new project, US1401, in the amount of \$92,800 fully funded from sources other than the County. Motion carried 5-0.

Commissioner Jarboe asked if anything in zoning allows for houses in flood areas to be built on stilts.

DEPT. OF PUBLIC WORKS AND TRANSPORTATION: REQUEST SCHEDULING OF PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON PROPOSED REALIGNMENT OF LAUREL GROVE AND KAVANAGH RD.INTERSECTION

Present: George Erichsen, Director, Dept. of Public Works and Transportation
William Mehaffey, Engineer, Mehaffey and Associates

The proposed realignment of Laurel Grove Road to accommodate the infrastructure for the development of the Laurel Preserve North and Laurel Preserve South Subdivision creates the need for realignment at the intersection of Laurel Grove Road and Kavanagh Road to meet County standards.

Commissioner Morgan moved, seconded by Commissioner Jarboe, to authorize the Department of Public Works and Transportation to proceed with the scheduling of a Public Hearing for the purpose of soliciting public comment on the proposed realignment of the Laurel Grove and Kavanagh Road Intersection. Motion carried 5-0.

DEPT. OF EMERGENCY SERVICES AND TECHNOLOGY AND NAVAL DISTRICT WASHINGTON: NAVY 911 ROUTING AND MANAGEMENT SERVICE AND PROPOSED MOU

Present: George Lam, Naval District Washington Project Lead
Mitchell Feinsod, 911 Consultant
Bob Kelly, Director, Emergency Services & Technology

The Navy is in the process of upgrading its 9-1-1 capability to consolidate local base dispatch into Regional Dispatch Centers. Mr. Lam explained the current process, provided an in-depth depiction of the future Navy 9-1-1 routing, and described the role of the Department of Emergency Services and Technology to support Naval Installations within St. Mary's County.

Commissioner Jones moved, seconded by Commissioner Morgan, to authorize Commissioner President Russell to sign the MOU establishing the support roles for St. Mary's County Department of Emergency Services and Technology and the Navy to test phase one of the Navy's 911-RMS and for future testing and transferring of base originating 911 calls. Motion carried 5-0.

COMMISSIONER'S TIME

The Commissioners highlighted events of the past week.

Commissioner Jarboe announced that Janet Nagle, who lost her son to Muscular Dystrophy, will be holding a yard sale Sept. 3, 2013, and is asking for any items you might want to donate. All proceeds will go to the Muscular Dystrophy Association.

Commissioner Morris requested that in the future no Public Forums/Hearings be scheduled on National Night Out.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jones moved, seconded by Commissioner Morgan, to enter into Executive Session for the purpose of discussing litigation matters. Motion carried 5-0.

EXECUTIVE SESSION

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Dr. Rebecca Bridgett, County Administrator
George Erichsen, Director, Dept. Public Works & Transportation
Elaine Kramer, Chief Financial Officer
George Sparling, County Attorney
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)8
Time Held: 10:50 am – 11:33 am
Subject: Litigation

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PUBLIC FORUM

Commissioner Russell opened the Public Forum at the 2nd District Volunteer Fire Department in Valley Lee at 6:30 pm.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim.)*

The following individuals expressed concern with the current zoning laws regarding swimming pools and asked the Commissioners to help resolve their issues.

Wayne Henderson, 17495 Holly St., Piney Point, MD

- Represented individuals who recently received a letter from County concerning permits needed for pools (blow up pool purchased at Walmart)
- Concerned that people are being furloughed and losing their jobs, - can't afford vacations so they buy a pool for the children's summer entertainment
- County letter says you have to have pay for permit plus pay for electrician to install GFI
- Asked Commissioners help to re-evaluate the law for small pools

Terri Doughty, 21825 N. Essex Drive, Lexington Park, MD

- Expressed support for pool issues - unreasonable to put up pools and pay \$30 every year –undue burden on all of us
- County says put up a fence around pools for safety reasons; a fence should be put around the storm water drainage pond in our neighborhood (Midway Dr./Pegg Rd)? Water stands in drainage ditch up to 3 ft. and it is unsafe for children.
- When is N. Essex Drive going to be paved? MetCom said they are finished with their work and the County is responsible for paving.

Tania Repple, 12134 Pt. Lookout Rd., Scotland, MD

- Owns 6 acres in Scotland
- Was going to buy a pool from a friend that cost \$500 and could be taken down in winter
- With permit fee and electrical requirements had to say no to pool

Joyce Bean, 46065 Drayden Rd., Valley Lee, MD

- Daycare provider which requires a license and cannot put our children in pool until after day care ends
- Why do you have to get a permit to run daycare then a permit to put up pool
- Why take this action now for pools in back yard

Joe Kroefel, 19872 Preference Way, Callaway, MD

- If law has been in effect since 92, where has it been
- Every pool from Walmart is not a permitted pool

- Can't afford a pool pass to Wildewood every year but can afford a \$500 pool that may last for a few years
- Pool comes with 110 plug with built in GFI
- Want to know exactly what the rules are

Donald Guy, 17285 Piney Point Rd., Piney Point, MD

- Applied for a pool permit
- LUGM said \$550 non-refundable fee but can't guarantee you will get permit – I did not pay at this time
- It would cost me \$550 to apply for permit, \$400 for electrician to run circuit, another permit fee for being in critical area, total fees \$1200 - all of this for a \$300 pool
- LUGM called back said I could not get a permit because I need 10 ft. from deck, 10 ft. from property line, 10 ft. from house – I only own ¼ acre lot
- Already had pool up
- LUGM employee drove around the neighborhood and took pictures of pools
- Took pool down because I received a letter from the County saying I would have to pay a fine of \$400 per day starting this past Monday
- If a temporary pool was only a onetime fee of \$30 or \$51, it would be no issue but was told if you take it down and set up again you pay a fee again

Carla Tomaszewski, 45329 St. George Ave., Piney Point, MD

- Letter received from County said “pool cited during routine check”

Tania Repple, 12134 Pt. Lookout Rd., Scotland, MD

- Provided Commissioners with a petition entitled “Stop The Swimming Pool Permits” (423 signatures)
- Asked Commissioners to revisit old laws – fix laws to help everyone
- Petition is not just to complain but want zoning law revisited
- Provide us with specifications
- Help everyone, not each of us going to LUGM

Stan Tomaszewski, 45329 St. George Ave, Piney Point, MD

- LUGM informed me that legally, if you take a pool down then put it back up next spring, you have to apply again for a permit

Mr. Shire addressed the audience assuring them that LUGM does not have individuals going through neighborhoods looking for pool violations. He noted that within the next two months LUGM will be updating the International Residential Code (IRC). The public hearing process will be an opportunity to modify the IRC with local amendments to provide clearly

defined pool categories and enforcement. Notice of the Public Hearing will be sent to all who signed in tonight.

ADJOURNMENT

Commissioner Russell closed the public hearing and adjourned the Board of County Commissioners meeting at 7:15 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)